

2004 Report to the California Legislature

CALIFORNIA SEX OFFENDER INFORMATION

MEGAN'S LAW



Bill Lockyer
California Attorney General

State of California
DEPARTMENT OF JUSTICE

A MESSAGE FROM THE ATTORNEY GENERAL

The California Department of Justice (DOJ) continues to improve Megan's Law by providing accurate and updated information to help local law enforcement track registered sex offenders and promote public awareness of sexual predators who may pose a threat in the community.

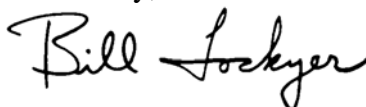
In December 2004, I was pleased to launch the Megan's Law Internet Web Site. This state-of-the-art web site provides the public with easy access to information on more than 63,000 persons required to register in California as sex offenders. In addition to photographs, physical descriptions, offense information and other identifiers, specific home addresses are displayed on more than 33,500 offenders. The web site also includes a mapping feature that allows users to view the locations of these offenders in relation to their neighborhoods, other addresses, parks, and schools.

In addition to English, the web site will be translated into Arabic, Armenian, Cambodian, Chinese, Japanese, Korean, Portuguese, Punjabi, Russian, Spanish, Tagalog and Vietnamese in the coming months to better serve California's diverse ethnic communities.

In addition, we continue to improve the accuracy of the sex offender database by working with law enforcement and the public to bring offenders into compliance with sex offender registration laws. The web site allows thousands of users to easily contact DOJ with information that law enforcement has used to bring offenders into compliance.

We are proud of the improvements we have made and we will continue to work to ensure that California's Megan's Law database remains a valuable asset for citizens to protect their families and help local police and sheriffs keep their communities safe.

Sincerely,

A handwritten signature in black ink that reads "Bill Lockyer". The signature is fluid and cursive, with the first letters of "Bill" and "Lockyer" being capitalized and prominent.

BILL LOCKYER
Attorney General

TABLE OF CONTENTS

| | PAGE |
|---|------|
| Summary | 1 |
| Sex Offender Registration..... | 3 |
| Number of California Registered Sex Offenders by Classification | 5 |
| California Sex Offender Information “900” Line..... | 7 |
| Megan’s Law Web Application | 11 |
| Megan’s Law Internet Web Site | 15 |
| Data Improvement Efforts | 19 |
| Sexual Predator Apprehension Team Program..... | 21 |
| Legal Issues | 23 |
| Appendix | 25 |

Summary

With the enactment of the State's Megan's Law in 1996, California residents gained access to valuable information to help protect themselves and their loved ones from the threat of registered sex offenders. The law paved the way for an expanded service that allows the public to ask the California Department of Justice (DOJ) if a particular individual is listed as one of these sex offenders. The law also prompted the creation of a statewide system that allows the public to view sex offender information at designated law enforcement agencies. On December 15, 2004, DOJ greatly expanded public access to sex offender information by establishing a Megan's Law Internet Web Site.

This report provides an overview of the activities during 2004 of the three programs that provided these services: the California Sex Offender Information "900" Line, the Megan's Law Web Application, and the newly implemented Megan's Law Internet Web Site. Pursuant to Penal Code (PC) sections 290.4(k) and 290.46(k), this report has been produced by DOJ's Violent Crime Information Center (VCIC), which administers these programs. Some of the information presented in this report is based on the 352 responses received from 412 surveys sent to law enforcement agencies throughout the state, as well as the DOJ's daily operation of these programs.

During 2004, the "900" Line received a total of 20,833 inquiries by telephone and 2,360 requests for multiple inquiries by mail. These inquiries generated a total of 125,789 database searches. This represents a 15 percent decrease in database searches compared to 2003. Over 35,000 residents viewed Megan's Law information at local law enforcement agencies who responded to our survey and at booths operated by DOJ at various public events. Over 150 law enforcement agencies regularly offered public viewing of Megan's Law information at more than 291 separate locations. However, historical use of Megan's Law information has been overshadowed by the dramatic use of the new Megan's Law public Internet site. As of December 31, 2004, the Megan's Law Internet Web Site responded to nearly 36,000,000 inquiries, representing more

than 3,000,000 individual users. There were no verified instances of improper public use of the data obtained from these programs during 2004.

Proactive community notifications by local law enforcement agencies increased slightly over previous years. At least 71 law enforcement agencies publicly distributed nearly 19,800 fliers or posters on over 1,112 sex offenders, compared with 1,100 offenders last year.

Sex Offender Registration

In 1947, California became the first state in the nation to establish a law requiring the registration of convicted sex offenders. The registration process was virtually unchanged until 1986, when new registration requirements were applied to juveniles. Since the mid-1990s, a large number of new legislative mandates have significantly reshaped California's sex offender registration requirements, calling for sex offenders to annually update registrations and to provide more detailed information. Many of these changes were prompted by federal law, which expedited the enactment of California's Megan's Law.

Current sex offender registration requirements, as defined in Penal Code section 290, are designed to enable law enforcement agencies to closely track the whereabouts of convicted sex offenders. Upon release from a local jail, state prison or completion of any alternative sentence, sex offenders are required to register within five working days of moving into any law enforcement agency's jurisdiction and when they change their name, residence address, or location. In addition, every sex offender is required to update his or her registration annually within five working days of his or her birthday. Sex offenders who have no residence address are considered "transient" and are required to update their registration every 30 days. Those who have been designated as a "Sexually Violent Predator" (SVP) by a California court, as defined in the Welfare and Institutions Code, are required to update their registration every 90 days. Persons convicted in federal or military court, or in any state court outside of California for sex offenses that would require registration in this state, are also required to register within five working days of entering California.

The DOJ's Violent Crime Information Network (VCIN) is the central repository for California's sex offender registration information. Local law enforcement agencies are able to electronically forward information directly into VCIN, and have access to the registration history files via the California Law Enforcement Telecommunications System (CLETS).

In January 2001, an electronic interface was implemented to allow certain California sex offender information to be programmatically transferred to the national Convicted Sex Offender Registry file. These processes allow law enforcement agencies nationwide to access California's most current sex offender registration information on designated sex offenders.

Number of California Registered Sex Offenders by Classification

As of January 13, 2005, the DOJ's VCIN contained records on 102,180 convicted sex offenders. The chart below shows the reported status of sex offenders in the VCIN database.

| REGISTRANT STATUS | TOTAL |
|-------------------|----------------|
| IN THE COMMUNITY | 67,249 |
| DEPORTED | 3,687 |
| INCARCERATED | 17,655 |
| OUT-OF-STATE | 13,589 |
| TOTAL | 102,180 |

The Megan's Law Internet Web Site provides access to information on more than 63,000 persons required to register in California as sex offenders. Specific home addresses are displayed on more than 33,500 offenders in the California communities; as to these persons, the site displays the last registered address reported by the offender. An additional 30,500 offenders are included on the Site with listing by ZIP Code, city, and county. Display classifications are based upon statutorily designated offenses and encompass those in the community as well as those who are incarcerated and meet these criteria.

California Sex Offender Information “900” Line

In July 1995, California established the “900” Line service, the first program of its kind in the nation. This fee-based service initially provided information to the public regarding convicted child molesters. Under California’s Megan’s Law, this service was expanded in 1996 to include information on specified sex offenders convicted of crimes against adults, as well as children.

To access the “900” Line, the caller must be at least 18 years of age and not be a registered sex offender. The cost for this service is \$10 per call for inquiries on up to two individuals. When making a telephone inquiry, the caller first receives a recorded message providing instructions, information on restrictions and charges, and a notice to report any suspected criminal activity to the appropriate local authorities. The caller is then routed to a DOJ specialist and asked to provide specific self-identifying information. Based on the identifying information provided, the specialist conducts a search of the VCIN to verify that the caller is not a registered sex offender. The caller is also asked to state the number of persons who may be at risk based on exposure to the individual in question.

To initiate a search, the caller is asked to provide the following information on the individual(s) in question:

- Name and
- Exact date of birth or
- Social Security Number or
- California driver’s license or identification number. (If the caller is out of state, the individual’s name, Social Security Number, or identification number must be provided.)

If the requested information is not available, the caller must provide the individual’s name and five of the following physical descriptors:

- Eye color
- Hair color
- Height
- Weight
- Race
- Scars, marks, or tattoos

The specialist conducts a search of the VCIN database using the information provided by the caller. If the specialist is unable to perform a complete search using the information supplied, the caller is given an alternate telephone number to call back with additional information. There is no charge for the subsequent search.

If the subject of a search is found to be a registered sex offender, the specialist informs the caller of the registrant's physical description, community of residence, and the specific sex offense(s) that required the person to register. The caller cannot be given the registrant's address. When appropriate, the caller is provided victim assistance information. If the subject is not found in the database, or is a sex offender about whom disclosure is prohibited, the specialist informs the caller that the subject is not listed as a "serious" or "high-risk" registered sex offender.

If an inquiry results in a "hit," the specialist reviews the sex offender's complete criminal history record for any probation or parole restrictions. When appropriate, the probation or parole officer and law enforcement agencies are notified of the registrant's reported activities. If the caller provides registrant address information that differs from that contained in the VCIN, the DOJ's Sex Offender Tracking Program notifies the appropriate law enforcement agency.

Beginning in 2001, the DOJ expanded the "900" Line service to allow agencies to submit volume inquiries in an electronic format. The Electronic Submission Mail-In Request process is available to organizations, businesses, and individuals that conduct multiple name checks. To use this system, the requester must submit an inquiry on at

least six individuals, at a reduced cost of \$4 for each name searched. The inquiry must be submitted with a form containing the name of the organization (or requester), telephone number, name of person to contact with the results, number of persons at risk, and search information. The contact person listed will receive the results by telephone within three working days after receipt of the request.

During 2004, the “900” Line received 20,833 inquiries by telephone and 2,360 requests for multiple inquiries by mail. These inquiries generated a total of 125,789 searches of the VCIN database, which represents a 15 percent decrease in these searches compared to 2003. Of the searches, there were 215 instances in which the subject of the search was found to be a registered sex offender.

Since the Megan’s Law Internet Web Site was implemented in December 2004, callers to the “900” Line have been notified that sex offender information is available at no charge on the Internet site. As expected, the number of individuals that are requesting fee-based information via the “900” Line has decreased significantly. More expansive information, photos, and mapping capability are now available to the public via the new Internet site allowing the public to conduct unlimited inquiries from the privacy and convenience of their home.

Total Annual “900” Line Telephone Calls During the Last Six Years

| Year | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 |
|------------------|-------|-------|-------|-------|--------|--------|
| Statewide Totals | 3,236 | 5,126 | 4,422 | 7,468 | 13,366 | 20,833 |

California Sex Offender Information “Hits”

The following are a few instances that occurred during 2004 in which the subject of an inquiry to the “900” Line was found in the VCIN database.

- A caller requested information on an individual in her church. She felt that the subject was overly friendly with her children as well as other children in the

congregation. The inquiry revealed that the subject had been convicted of lewd or lascivious acts with a child under 14 years of age.

- A caller requested information on her sister's boyfriend due to her ten-year old daughter's dislike of the boyfriend. The inquiry revealed that the boyfriend was a sex offender who had been convicted of annoying/molesting children.
- A caller who runs a day care business out of her home requested information on her neighbor. The caller was concerned about her neighbor's frequent visits to her home while children were in her care. The inquiry revealed that the neighbor had been convicted of lewd or lascivious acts with a child under 14 years of age, and oral copulation with a person under 14 years of age or by force.
- A private investigator called regarding a child custody dispute between the subject and a client. The inquiry revealed that the subject had been convicted of lewd or lascivious acts with a child under 14 years of age.

Revenue and Expenditures

During the 2004 calendar year, revenues generated from fees for telephone and mail-in inquiries to the "900" Line totaled approximately \$624,000. Expenditures associated with this program during this period totaled approximately \$61,000. These expenditures were applied to staff salaries and benefits, supplies, printing, and other administrative services.

Megan's Law Web Application

In 1994, Congress enacted the Jacob Wetterling Act, which was a response to a high profile kidnapping of a little boy. The law was later amended in response to the 1994 rape and murder of seven-year-old Megan Kanka of New Jersey, to encourage states to implement programs that would make information on sex offenders available to citizens. In September 1996, California's Megan's Law was signed into law and took effect immediately.

Originally, California's Megan's Law required the DOJ to produce and distribute to specified law enforcement agencies a CD-ROM, or other electronic medium, containing information on all "high-risk" and "serious" sex offenders. Under this law, all sheriffs' departments and those police departments serving populations of over 200,000 were required to make this information available to the public.

In March 2002, the DOJ implemented a web-based application to replace the CD-ROM as the method for disseminating California's Megan's Law information to the public. The application is accessible to all California law enforcement agencies via DOJ's private communications network (Intranet). As one of its primary advantages, the web-based application provides the law enforcement community with updated sex offender registration information on a daily, rather than monthly, basis. In addition, to better serve the State's diverse ethnic population, the application translates data into the following 12 languages: Arabic, Armenian, Cambodian, Chinese, Japanese, Korean, Portuguese, Punjabi, Russian, Spanish, Tagalog, and Vietnamese.

The Megan's Law Web Application also displays a message to indicate which offenders are in violation of their registration requirements and the month and year they fell into violation status. Also added to the application is a more comprehensive disclaimer regarding laws protecting registrants' rights and the potential for inaccuracy of the sex offender data. Before searching the database, viewers must acknowledge that they have read the disclaimer.

Specific requirements must be met before a member of the public may view sex offender information on the Megan's Law Web Application. The person must:

- Be at least 18 years of age or, if under 18, be accompanied by a parent or legal guardian;
- Complete a form stating that he or she is not a registered sex offender;
- Acknowledge that he or she understands that the purpose of the information is to allow members of the public to protect themselves and their children from sex offenders;
- Acknowledge that he or she understands that it is unlawful to use the information to commit a crime against any sex offender or to engage in illegal discrimination or harassment of any registrant; and
- Provide identification in the form of a California driver's license or identification card or active duty military identification with proof of permanent assignment in California.

The viewer may search for information by using an individual's name, county, or ZIP Code. To narrow a search, users may also enter physical description information or date of birth. If a registered sex offender matching the search criteria is in the database, the system will display the sex offender's risk status (serious or high risk); name; any aliases; photograph; physical description; ethnicity; date of birth; scars, marks, and tattoos; sex offenses requiring registration; and the county and ZIP Code of the last registered address.

As of December 31, 2004, 377 agencies had established a connection to the Web-based application. Survey results indicate that at least 159 law enforcement agencies offered public viewing of California's Megan's Law information at 291 different locations.

Thirty-one agencies also offered public viewing at community events such as county fairs, Parent Teacher Association meetings, Neighborhood Watch meetings, and family safety fairs. In addition, the DOJ set up multiple public-viewing terminals at the

California State Fair, Los Angeles County Fair, and the annual California Governor's Conference for Women.

During 2004, over 35,000 California residents reportedly viewed Megan's Law information at the following locations: more than 15,000 at law enforcement agency facilities; more than 10,000 at community events sponsored by law enforcement agencies; and more than 9,000 at community events sponsored by the DOJ. At the DOJ-sponsored events, more than 1400 viewers (approximately 15%) indicated they recognized sex offenders as friends, neighbors, employers, relatives, and in some instances, people in positions of authority or responsibility over children.

Proactive Notification by Law Enforcement

California's Megan's Law also allows California law enforcement agencies to actively disseminate sex offender information to the public. With certain restrictions, these agencies may notify community residents where a "serious" sex offender resides, is employed, or frequents. They may notify the public of the presence of a "high-risk" offender without geographic restrictions on the dissemination. They may post information relative to an offender's description (including a photograph), crimes resulting in their requirement to register, vehicle information, type of victim targeted, location, and any relevant conditions of parole or probation (such as no contact with children). Penal Code section 290.01 was amended in 2003 to allow for public notifications regarding "other" offenders on academic campuses.

Responses to the Megan's Law survey indicated that during 2004, 71 law enforcement agencies made public disclosures to their communities on 1,112 sex offenders. Nearly 19,800 fliers profiling these sex offenders were distributed. In addition to fliers and posters, some agencies used local media and/or their agency's web site to provide this information to their communities.

Megan's Law Successes

Following are examples of instances in which Megan's Law data proved valuable:

- A law enforcement agency reported that it distributed information to the public regarding a sex offender who was out on bail for a "new" child molestation offense. A boy recognized the offender and reported that the offender tried to lure the boy into the offender's vehicle two days prior to the release of the notification. The boy's information was investigated and the District Attorney's office filed additional charges.
- A law enforcement agency reported that it distributed information to the public regarding a sex offender that lived in its jurisdiction. A resident recognized the offender as a person who had befriended her granddaughter and visited the granddaughter at her home. The resident questioned her granddaughter about the offender and discovered that the offender had molested the granddaughter. The offender was arrested and convicted.
- A law enforcement agency reported that Megan's Law information viewers recognized a sex offender who was operating the children's slide at the local County Mid-Winter Fair. The offender was immediately removed from the fairgrounds by county fair management.
- A number of law enforcement agencies reported that persons who viewed Megan's Law information (from both the Internet site and the agency's Web Application) had provided information to the agencies that resulted in the arrest of sex offenders who were not in compliance with their registration requirements.

Megan's Law Internet Web Site: WWW.MegansLaw.ca.gov

On December 15, 2004, DOJ implemented the Megan's Law Internet Web Site. The Internet site provides the public with information on more than 63,000 registered sex offenders including the full addresses of more than 33,500 offenders. The address information, which was not previously available to the public, is graphically displayed on maps in relation to the user's neighborhood, other addresses, parks, and schools. Due to a dedicated departmental effort, the Internet site was implemented six months ahead of the statutorily mandated completion deadline. As of December 31, 2004, the Megan's Law Internet Web Site responded to nearly 36,000,000 inquiries, representing more than 3,000,000 individual users. In fact, more people accessed sex offender information on the very first day that the Internet site was made available than had viewed sex offender information at police stations and state and county fairs cumulatively over the past 10 years under the pre-existing methods.

On the Internet site, offenders are statutorily classified as subject to disclosure by full address or ZIP Code only. In accordance with PC section 290.46, these display classifications are:

- Full Address - a sex offender in this classification will have his or her full residence address displayed. Generally, address disclosure will occur if he or she has been convicted of any of the following:
 - Lewd conduct with a child under the age of 14;
 - A sex offense involving force or fear;
 - A designated sex crime with a prior or subsequent conviction for a sex crime that required registration; and/or
 - An offense resulting in a commitment as a Sexually Violent Predator as defined in Section 6600 of the Welfare and Institutions Code.

- ZIP Code Only - a sex offender in this classification will only be displayed on ZIP Code or area (city, county) listings, but his or her specific residential address will not be displayed on any of the Internet site's maps. These offenders are required to register and were convicted of an offense(s) subject to public disclosure. However, he/she does not meet the "full address" display criteria.

Sex offenders who do not fall into either the "full address" or "ZIP Code only" display classification are not disclosed or displayed on the Internet site. In addition, the statute allows certain offenders to apply for and be granted an exclusion from disclosure from the public.

The Internet site includes offender photographs, names, aliases, ages, gender, race, offenses, and physical descriptions. For certain offenders the Internet site includes address information that was not previously available to the public. The address information is graphically displayed on maps in relation to neighborhoods, other addresses, parks, and schools. The Internet site also includes information on Megan's Law, frequently asked questions, how to protect oneself and one's family, how to report information to DOJ, and other information related to sex offender registration. The Internet site was implemented in English only, but to better serve the State's diverse ethnic population, the Internet site will soon be translated into Arabic, Armenian, Cambodian, Chinese, Japanese, Korean, Portuguese, Punjabi, Russian, Spanish, Tagalog, and Vietnamese. One of the more important features of the Internet site is the search function. Users can search the database by name, address, city, ZIP Code, county, park, or school.






A listing (see example on next page) includes all disclosable offenders including those who are incarcerated, transients, and registrants in violation whose locations may not be currently known. In addition, a check mark exists on the listing next to those offenders who are currently known by DOJ to be in violation of their registration requirements. One major benefit of the Internet site is that local law enforcement agencies now have

the benefit of the eyes and ears of millions of citizens who can assist them in locating offenders who may be in violation of their registration requirements.

Office of the Attorney General • Megan's Law
State of California • Department of Justice

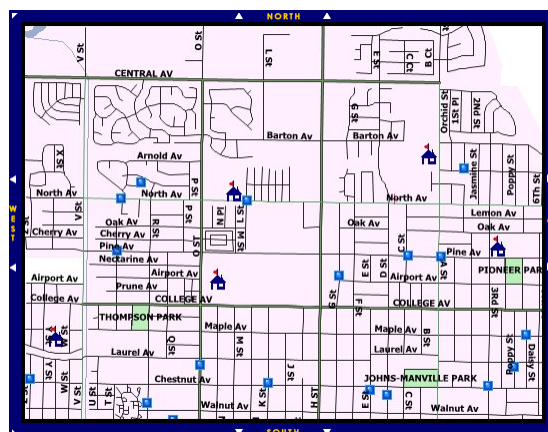
Online Help **Megan's Law** HOMEPAGE

✓ In Violation page 1 2 3 4 5 6 of 78
(1-20) of 1551 offenders

| Name | Address | City | ZIP | County |
|--|--|------------|-------|------------|
|  More Info ADARICA JOSE RENE | 5106 VILLAGE ELM DR Show on map | SACRAMENTO | 95823 | SACRAMENTO |
|  More Info ABDUL MALIK | 7800 BELL ST APT #217 Show on map | SACRAMENTO | 95821 | SACRAMENTO |
|  More Info ABDULLAH SAMIR | Specific address not subject to disclosure | SACRAMENTO | 95815 | SACRAMENTO |
|  More Info ABDURRAHMAN VICTOR | Specific address not subject to disclosure | SACRAMENTO | 95838 | SACRAMENTO |
|  More Info ABDUL BELL | 2207 HAWKINS BLVD Show on map | SACRAMENTO | 95822 | SACRAMENTO |

The Internet site also allows users to more easily report information to DOJ. Users can click a button on an offender's profile, enter reported information, and submit it directly to DOJ. Information submitted via this method is reviewed and forwarded to the appropriate law enforcement agency for further action. Many citizens are taking advantage of this feature.

The Internet site's mapping capability (see example below) displays sex offenders on whom "full address" information can be disclosed. Each of the dots represents the physical location of these sex offenders. The map allows the user to see where these sex offenders reside in relation to a specific address, school, or park.



A simple click of the mouse on any of the blue squares on a map will provide the viewer with a complete offender profile (see example below). The profile includes the offender's address (if allowed), photograph, name, aliases, age, gender, race, offense(s), and physical description including scars, marks, and tattoos. Such profiles can also be displayed by simply clicking on the thumbnail size photos provided on any listing of offenders.

| | | | | | |
|---|--|--|--|----------------------|--|
| Last Name: DOE | | First Name: JOHN | | Middle Name: | |
|  | | <u>Description</u> | | <u>Offenses</u> | |
| | | <u>Scars/Marks/Tattoos</u> | | <u>Known Aliases</u> | |
| | | Last Known Address: 123 MAIN STREET, ANYTOWN, 99999 | | | |
| | | County: ANYCOUNTY | | | |
| | | Zip Code: 99999 | | | |
| | | Date of Birth: 12-10-1977 | | | |
| | | Sex: MALE | | | |
| | | Height: 5'6" | | | |
| | | Weight: 180 | | | |
| | | Eye Color: BROWN | | | |
| Hair Color: BLACK | | | | | |
| Ethnicity: HISPANIC | | | | | |
| Report Information to DOJ | | | | | |

THE REGISTRANT MAY HAVE SUBSEQUENTLY RELOCATED

Close Window

With the increase in the number of people who are using the Internet site, public contact with DOJ to report offenders in violation has increased dramatically. This helps ensure that accurate and up-to-date information is displayed in the Internet site and allows all users to better protect themselves and their families. DOJ recommends that users visit the site on a regular basis, since the information is updated on a daily basis.

Data Improvement Efforts

During 2003, the California State Auditor conducted a comprehensive audit into the DOJ registration program and confirmed that the State's sex offender database contained out-of-date information (California State Auditor, *California Law Enforcement and Correctional Agencies: With Increased Efforts, They could improve the Accuracy and Completeness of Public Information on Sex Offenders*, August 2003). The audit report acknowledged that inaccuracies in the VCIN/Megan's Law database were largely due to the failure of the sex offenders to register as required, and recommended specific steps that the DOJ should take to address these problems.

During 2004, the DOJ continued its efforts to improve the usefulness and accuracy of Megan's Law information. The following is a summary of some of these efforts:

- Deceased/Deportation Confirmation: The DOJ routinely searches death records maintained by the California Department of Health Services and the U.S. Social Security Administration to identify offenders who have died. The DOJ also searches records maintained by the U. S. Bureau of Citizenship and Immigration Services to identify offenders who have been deported.
- Comparisons with other State Sex Offender Registries: The DOJ exchanges information with sex offender registries in other states to determine whether California registrants in violation of their registration requirements are living out-of-state.
- Public Database Searches: The DOJ conducted searches through a commercial person-locator database to obtain possible addresses on sex offenders in violation of their registration requirements. Address information was compiled into nearly 20,000 individual offender profile reports and delivered to the local law enforcement agencies responsible for tracking these individuals. This information has provided valuable investigative leads to local agencies and the DOJ's Sexual Predator Apprehension Teams. The DOJ also used this information to conduct further research and confirm that many offenders have moved out-of-state, thereby removing them from violation status. This information is being gathered into an on-line database that will be periodically

updated and made available to law enforcement agencies to help them investigate sex offenders in violation of their registration requirements.

As a result of these activities, combined with state and local enforcement efforts, the number of reported violators has been reduced to 17,858, a 46% reduction from the 33,190 violators reported in January 2003. The DOJ anticipates further reductions in this number as these efforts continue.

Sexual Predator Apprehension Team Program

In addition to its role in administering the Megan's Law program, the DOJ has been actively involved in field enforcement activities targeting the most serious sex offenders through the operations of its Sexual Predator Apprehension Team (SPAT) Program within the California Bureau of Investigation (CBI). The first three SPAT units became operational in the San Francisco, Fresno and Los Angeles CBI Regional Offices pursuant to the 1994 Sexual Predator Act (SB 12X). The success of these units prompted legislation that resulted in further expansion of the SPAT Program, to include units in the Sacramento, Orange/Riverside, and San Diego CBI Regional Offices.

As one of its key functions, SPAT units conduct sex offender registrant compliance checks in conjunction with local law enforcement. Teams of agents and officers visit offenders' reported addresses to ensure that they are in compliance with registration requirements. Pertinent information developed through these compliance checks is updated in the VCIN/Megan's Law databases. SPAT also provides the following services to state, federal and local law enforcement agencies upon request:

- C Coordination of multi-jurisdictional enforcement efforts
- C Suspect tracking and monitoring
- C Coordination of sex offender surveillance
- C Immediate response to and investigative assistance in child abductions
- C Investigative assistance in serial sexual crimes
- C Analytical support
- C Liaison with Department of Justice Sexual Habitual Offender Program and Sex Offender Tracking Program Services
- C Coordination with the Department of Justice, Bureau of Forensic Services, including DNA analysis
- C Coordination of specialized surveillance equipment
- C Criminal Investigative Profiling
- C Participation in multi-jurisdictional task forces dedicated to the enforcement of sex offender compliance laws

C Coordination with other California Department of Justice and state resources.

In addition, SPAT personnel maintain an active role in the Sexual Assault Felony Enforcement (SAFE) Task Force Program, which teams local, state and federal law enforcement agencies in a multi-jurisdictional enforcement approach against sexual predators. The DOJ provides supervisory personnel over the State's local SAFE Task Forces, located in Alameda, San Mateo, and San Diego counties. It also provides staffing and Task Force Commanders to the federal SAFE Task Forces in Sacramento and Los Angeles, which are jointly operated with the Federal Bureau of Investigation.

Legal Issues

On September 24, 2004, the Attorney General's bill to establish a Megan's Law Internet web site became law. (AB 488 (Parra).) The new law required the Department of Justice to post a web site on or before July 1, 2005 (Pen. Code, § 290.46.) The web site, which is located at www.meganslaw.ca.gov, was posted in December 2004. For the web site, the law establishes three categories of registered sex offenders: (1) posted with full address listed; (2) posted with ZIP code (but not street address) listed; and (3) not posted. Offenders are posted (or not posted) based on their convicted sex offenses.

The legislation establishing the Megan's Law Internet web site also created a means for specified sex offenders to apply for exclusion from the web site. Those excluded are still required to register as sex offenders.

In 2004, the United States Court of Appeals for the Ninth Circuit rejected a challenge to Alaska's Megan's Law Internet web site by the same plaintiffs who lost a challenge on other grounds earlier (*Smith v. Doe* (2003) 123 S. Ct. 1140) in the United States Supreme Court. The Ninth Circuit said that because Alaska's posting on the Internet was based on the sole fact of plaintiffs' convictions, there was no procedural due process violation and no fundamental right to be free from registration and notification requirements. (*Doe v. Tandeske* (9th Cir. 2004) 361 F.3d 594.)

The California Supreme Court issued several opinions in 2004 pertaining to sex offender registration. In *People v. Barker* (2004) 34 Cal.4th 345, the Court held that forgetting to register is not, by itself, a defense to failing to register or re-register as a sex offender. In *People v. Alva* (2004) 33 Cal.4th 254, the Court held that sex offender registration is not punishment, so it can never constitute a violation of the Eighth Amendment ban on cruel and unusual punishment to order a sex offender to register. In *People v. Carmony* (2004) 33 Cal.4th 367, the Court upheld the trial court's discretion to strike or not to strike prior felony convictions when sentencing a registrant who failed to re-register. In *Fredenburg v. City of Fremont* (2004) 119 Cal.App.4th 408, a

California appellate court held that a city could post a map which contained dots showing the approximate residence locations of registered sex offenders, regardless of the nature of the convicted sex offense, because the map did not disclose personal information about any registrant.

Appendix

Agencies Responding to the 2004 Megan's Law Questionnaire

The Attorney General wishes to thank the following agencies for responding to the 2004 Megan's Law survey:

SHERIFFS' DEPARTMENTS

Alameda County Sheriff's Department
Alpine County Sheriff's Department
Amador County Sheriff's Department
Butte County Sheriff's Department
Calaveras County Sheriff's Department
Colusa County Sheriff's Department
Del Norte County Sheriff's Department
El Dorado County Sheriff's Department
Fresno County Sheriff's Department
Glenn County Sheriff's Department
Humboldt County Sheriff's Department
Kern County Sheriff's Department
Kings County Sheriff's Department
Lake County Sheriff's Department
Lassen County Sheriff's Department
Los Angeles County Sheriff's Department
Marin County Sheriff's Department
Mariposa County Sheriff's Department
Mendocino County Sheriff's Department
Merced County Sheriff's Department
Modoc County Sheriff's Department
Mono County Sheriff's Department
Monterey County Sheriff's Department
Napa County Sheriff's Department
Nevada County Sheriff's Department

Orange County Sheriff's Department
Placer County Sheriff's Department
Plumas County Sheriff's Department
Riverside County Sheriff's Department
San Benito County Sheriff's Department
San Bernardino County Sheriff's Department
San Diego County Sheriff's Department
San Joaquin County Sheriff's Department
San Luis Obispo County Sheriff's Department
Santa Barbara County Sheriff's Department
Santa Clara County Sheriff's Department
Santa Cruz County Sheriff's Department
Shasta County Sheriff's Department
Sierra County Sheriff's Department
Siskiyou County Sheriff's Department
Solano County Sheriff's Department
Sonoma County Sheriff's Department
Sutter County Sheriff's Department
Tehama County Sheriff's Department
Trinity County Sheriff's Department
Tulare County Sheriff's Department
Tuolumne County Sheriff's Department
Ventura County Sheriff's Department
Yolo County Sheriff's Department

POLICE DEPARTMENTS

| | |
|---------------------------------|---|
| Albany Police Department | Delano Police Department |
| Alturas Police Department | Dixon Police Department |
| Anaheim Police Department | Downey Police Department |
| Anderson Police Department | East Bay Regional Parks Police Department |
| Arcadia Police Department | East Palo Alto Police Department |
| Arcata Police Department | El Cajon Police Department |
| Arroyo Grande Police Department | El Centro Police Department |
| Atascadero Police Department | El Segundo Police Department |
| Bakersfield Police Department | Escondido Police Department |
| Baldwin Park Police Department | Eureka Police Department |
| Banning Police Department | Exeter Police Department |
| Barstow Police Department | Fairfax Police Department |
| Beaumont Police Department | Fairfield Police Department |
| Bell Gardens Police Department | Farmersville Police Department |
| Bell Police Department | Firebaugh Police Department |
| Benicia Police Department | Folsom Police Department |
| Berkeley Police Department | Fontana Police Department |
| Beverly Hills Police Department | Fort Bragg Police Department |
| Blue Lake Police Department | Fortuna Police Department |
| Blythe Police Department | Fremont Police Department |
| Brawley Police Department | Fresno Police Department |
| Brea Police Department | Fullerton Police Department |
| Brentwood Police Department | Galt Police Department |
| Brisbane Police Department | Garden Grove Police Department |
| Broadmoor Police Department | Gilroy Police Department |
| Burbank Police Department | Glendale Police Department |
| Burlingame Police Department | Glendora Police Department |
| California City Police | Grover Beach Police Department |
| Calistoga Police Department | Gustine Police Department |
| Carlsbad Police Department | Hawthorne Police Department |
| Chico Police Department | Hayward Police Department |
| Chino Police Department | Healdsburg Police Department |
| Chowchilla Police Department | Hermosa Beach Police Department |
| Chula Vista Police Department | Hollister Police Department |
| Claremont Police Department | Huntington Beach Police Department |
| Clayton Police Department | Inglewood Police Department |
| Clearlake Police Department | Irwindale Police Department |
| Clovis Police Department | Kingsburg Police Department |
| Colton Police Department | King City Police Department |
| Corning Police Department | La Habra Police Department |
| Corona Police Department | La Mesa Police Department |
| Costa Mesa Police Department | La Verne Police Department |
| Cotati Police Department | Laguna Beach Police Department |
| Covina Police Department | Lincoln Police Department |
| Crescent City Police Department | Livermore Police Department |
| Culver City Police Department | Livingston Police Department |
| Daly City Police Department | Lompoc Police Department |
| Davis Police Department | Los Altos Police Department |
| Danville Police Department | Los Banos Police Department |

POLICE DEPARTMENTS (Continued)

| | |
|------------------------------------|--|
| Los Gatos Police Department | Rohnert Park Department of Public Safety |
| Mammoth Lakes Police Department | Roseville Police Department |
| Manhattan Beach Police Department | Sacramento Police Department |
| Manteca Police Department | Salinas Police Department |
| Marina Department of Public Safety | San Anselmo Police Department |
| Marysville Police Department | San Bernadino Police Department |
| Menlo Park Police Department | San Carlos Police Department |
| Merced Police Department | San Diego Police Department |
| Millbrae Police Department | San Fernando Police Department |
| Milpitas Police Department | San Francisco Police Department |
| Modesto Police Department | San Gabriel Police Department |
| Monrovia Police Department | San Jose Police Department |
| Montclair Police Department | San Leandro Police Department |
| Monterey Park Police Department | San Luis Obispo Police Department |
| Moraga Police Department | San Marino Police Department |
| Morgan Hill Police Department | San Pablo Police Department |
| Morro Bay Police Department | San Ramon Police Department |
| Mountain View Police Department | San Rafael Police Department |
| Mt. Shasta Police Department | Sand City Police Department |
| Murrieta Police Department | Sanger Police Department |
| Napa Police Department | Santa Ana Police Department |
| National City Police Department | Santa Clara Police Department |
| Newark Police Department | Santa Cruz Police Department |
| Newman Police Department | Santa Maria Police Department |
| Newport Beach Police | Santa Monica Police Department |
| Novato Police Department | Santa Paula Police Department |
| Oakdale Police Department | Santa Rosa Police Department |
| Oakland Police Department | Scotts Valley Police Department |
| Oceanside Police Department | Seal Beach Police Department |
| Ontario Police Department | Seaside Police Department |
| Orange Police Department | Selma Police Department |
| Orland Police Department | Signal Hill Police Department |
| Oroville Police Department | Simi Valley Police Department |
| Oxnard Police Department | Sonoma Police Department |
| Pacifica Police Department | South Lake Tahoe Police Department |
| Palo Alto Police Department | South Pasadena Police Department |
| Paradise Police Department | South San Francisco Police Department |
| Paso Robles Police Department | St. Helena Police Department |
| Petaluma Police Department | Stockton Police Department |
| Piedmont Police Department | Suisun City Police Department |
| Pismo Beach Police Department | Sunnyvale Department of Public Safety |
| Placentia Police Department | Tracy Police Department |
| Pleasant Hill Police Department | Truckee Police Department |
| Pleasanton Police Department | Tulare Police Department |
| Pomona Police Department | Turlock Police Services |
| Port Hueneme Police Department | Ukiah Police Department |
| Porterville Police Department | Union City Police Department |
| Redding Police Department | Upland Police Department |
| Redlands Police Department | Vacaville Police Department |
| Reedley Police Department | Ventura Police Department |
| Richmond Police Department | Vernon Police Department |
| Ripon Police Department | Visalia Police Department |
| Riverside Police Department | Watsonville Police Department |
| Rocklin Police Department | West Sacramento Police Department |

POLICE DEPARTMENTS (Continued)

Westminster Police Department
Whittier Police Department
Willits Police Department

Woodlake Police Department
Woodland Police Department

DISTRICT ATTORNEYS' OFFICES

Alameda County District Attorney's Office
Amador County District Attorney's Office
Butte County District Attorney's Office
El Dorado County District Attorney's Office
Imperial County District Attorney's Office
Kern County District Attorney's Office
Kings County District Attorney's Office
Los Angeles County District Attorney's Office
Mariposa County District Attorney's Office

Orange County District Attorney's Office
Placer County District Attorney's Office
Riverside County District Attorney's Office
San Bernardino County District Attorney's Office
San Diego County District Attorney's Office
San Luis Obispo County District Attorney's Office
Shasta County District Attorney's Office
Solano County District Attorney's Office
Yolo County District Attorney's Office

PROBATION DEPARTMENTS

Fresno County Probation Department
Glenn County Probation Department
Los Angeles County Probation Department
Madera County Probation Department
Mendocino County Probation Department
Merced County Probation Department
Orange County Probation Department
Monterey County Probation Department

Sacramento County Probation Department
San Diego County Probation Department/ARJIS
San Joaquin County Probation Department
San Mateo County Probation Department
Santa Barbara County Probation Department
Solano County Probation Department
Ventura County Probation Department
Yolo County Probation Department

ACADEMIC CAMPUS POLICE DEPARTMENTS

Antelope Valley College
Baldwin Park School District
Cuesta College
California State University, Bakersfield
California State University, East Bay
California State University, Fresno
California State University, Long Beach
California State University, Northridge

California State University, Pomona
California State University, Sacramento
California State University, San Bernardino
California State University, San Francisco
California State University, San Jose

California State University, Sonoma
California State University, Stanislaus
El Camino Community College
Grant Joint Union School District
Sierra College
Southwestern Community College
Santa Ana Unified School District
University of California, Berkeley
University of California, Lawrence Livermore National
Laboratory
University of California, Santa Barbara
University of California, Santa Cruz
University of California, San Francisco
California Polytechnic State University, San Luis Obispo
Yuba Community College District

CALIFORNIA STATE AGENCIES

Department of Justice
Highway Patrol
Board of Prison Terms

Exposition and State Fair
Department of Corrections

FEDERAL AGENCIES

Federal Bureau of Investigation
Immigration and Customs Enforcement

United States Marshals Service
United States Probation